

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LUIS ALFONSO LEON,

Plaintiff,

v.

ELLEEDGE et al.,

Defendants.

CASE NO. 2:22-cv-851

ORDER ADOPTING R&R

Before the Court is the Report and Recommendation (R&R) of the Honorable Theresa L. Fricke, United States Magistrate Judge, on Plaintiff Luis Alfonso Leon's claims against Defendant Federal Bureau of Prisons (BOP). Dkt. No. 57. The R&R recommends that the Court dismiss Leon's claims for damages against BOP as barred by sovereign immunity, and further, to dismiss his claims for injunctive relief as moot. *Id.* at 11.

Leon has not objected to the R&R and the time for objecting has passed. *See generally* Dkt. Because there were no objections, the Court may adopt the R&R if it is satisfied there are no clear errors on the face of the record. Fed. R. Civ. P. 72(b) Advisory Committee's Note to 1983 Amendment. The Court agrees with Judge

1 Fricke's analysis that BOP should be terminated as a defendant given that Leon's
2 claims are barred by sovereign immunity or moot based on his release from custody.

3 Based on its review of the R&R, the record, and the law, the Court ORDERS
4 as follows:

- 5 1. The Court ADOPTS the Report and Recommendation at Dkt. No. 57.
- 6 2. Defendant Federal Bureau of Prisons' (BOP) motion to dismiss, Dkt. No.
7 45, is GRANTED. Leon's claims for damages against BOP are dismissed
8 as barred by sovereign immunity. Leon's claims for injunctive relief
9 against BOP are dismissed without prejudice as moot. As no claims
10 remain against BOP, it is terminated as a Defendant in the action.
- 11 3. The Clerk is directed to provide a copy of this order to the parties and to
12 the Honorable Theresa L. Fricke.

13 Dated this 5th day of August, 2024.

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16 Jamal N. Whitehead
17 United States District Judge
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